

Coast Guard, DHS

§ 165.T01-0992

EFFECTIVE DATE NOTE: By USCG-2011-0470, 76 FR 34857, June 15, 2011, temporary §165.T01-0470 was added, effective June 15, 2011 through 10:30 p.m. on July 16, 2011.

§ 165.T01-0864 Security Zone: Escorted Passenger Vessels, Sector Southeastern New England Captain of the Port Zone.

(a) *Location.* The following areas are security zones: All navigable waters within the Sector Southeastern New England Captain of the Port Zone, extending from the surface to the sea floor, that are:

(1) Within a maximum 200-yard radius of any passenger vessel that is underway and is under escort of U.S. Coast Guard law enforcement personnel, or

(2) Within a maximum 100-yard radius of any passenger vessel that is anchored, at any berth, moored, or in the process of mooring.

(b) *Definitions.* As used in this section—

Designated representative means any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative may be on a Coast Guard vessel, or on-board a Federal, State, or local agency vessel that is authorized to act in support of the Coast Guard.

Passenger vessel means any passenger vessel over 100 gross tons authorized to carry more than 500 passengers for hire making voyages, any part of which is on the high seas, and for which passengers are embarked, disembarked or pay a port call, in the Sector Southeastern New England Captain of the Port Zone.

Sector Southeastern New England Captain of the Port Zone means the area defined in 33 CFR 3.05-20.

(c) *Notification.* Sector Southeastern New England Captain of the Port will give actual notice to mariners for the purpose of enforcement of this temporary security zone. In addition, the Coast Guard will broadcast the area designated as a security zone for the duration of the enforcement period via Broadcast Notice to Mariners.

(d) *Effective and enforcement period.* This rule is effective with actual notice for purposes of enforcement from Sep-

tember 22, 2010, through 8 a.m. on April 1, 2011.

(c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Southeastern New England or his designated representative.

(2) All persons and vessels must comply with the instructions of the Captain of the Port or his designated representative. Emergency response vessels are authorized to move within the zone, but must abide by the restrictions imposed by the Captain of the Port or his designated representative.

(3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the Captain of the Port or his designated representative.

(4) Upon being hailed by a U.S. Coast Guard vessel or his designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(5) Vessel operators desiring to enter or operate within the security zone shall contact the Captain of the Port or his designated representative via VHF channel 16 to obtain permission to do so.

EFFECTIVE DATE NOTE: By USCG-2010-0864, 75 FR 63717, Oct. 18, 2010, temporary §165.T01-0864 was added, effective from Oct. 18, 2010 until Apr. 1, 2011. At 76 FR 17784, Mar. 31, 2011, the section was continued in effect through Oct. 1, 2011.

§ 165.T01-0992 Safety Zone; repair of high voltage transmission lines to Logan International Airport; Saugus River, Saugus, MA.

(a) *General.* A temporary safety zone is established for the event described in paragraph (a)(1):

(1) Repair of high voltage transmission lines to Logan International Airport; Saugus River, Saugus, MA.

(i) All waters of the Saugus River, from surface to bottom, within a 250-yard radius of position 42°26' 42" N; 070°58' 14" W.

(ii) *Effective period.* This rule is effective May 9, 2011 to October 10, 2011.

(iii) *Enforcement period.* This rule will be enforced during a consecutive 48 hour period to begin each day at 9 a.m.

and end at 2 p.m. with notice of the enforcement of this safety zone to be made by all means to affect the widest publicity among the affected segments of the public, including publication of a Notice of Enforcement in the FEDERAL REGISTER, in the Local Notice to Mariners, and in the Safety Marine Information Broadcast.

(b) *Regulations.* (1) In accordance with the general regulations in Section 165.23 of this part, entry into, transiting or anchoring within this regulated area is prohibited unless authorized by the COTP Boston, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the COTP Boston or the designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Boston is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Boston to act on his behalf. The on-scene representative will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The COTP or the designated on scene representative may be contacted by telephone at 617–223–5750 or on VHF Channel 16.

(4) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may do so if they obtain permission from the COTP or the designated representative by contacting the COTP Sector Boston by telephone at 617–223–5750 or VHF radio channel 16.

EFFECTIVE DATE NOTE: By USCG–2010–0992, 76 FR 19701, April 8, 2011, temporary § 165.T01–0992 was added, effective May 9, 2011 to October 5, 2011.

§ 165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

(a) *Regulated navigation area.* All navigable waters of the United States, as that term is used in 33 CFR 2.36, within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05–1(b).

(b) *Definitions.* Terms used in this section have the same meaning as those found in 33 CFR 157.03. Single-hull identifies any tank barge that is not a double-hull tank barge.

(c) *Applicability.* This section applies to primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo in the regulated navigation area, or as authorized by the District Commander.

(d) *Regulations—*(1) *Positive control for barges.* (i) Except as provided in paragraph (d)(1)(iii) and paragraph 5 of this section, each single hull tank barge, unless being towed by a primary towing vessel with twin-screw propulsion and with a separate system for power to each screw, must be accompanied by an escort tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—

- (A) A propulsion failure;
- (B) A parted towing line;
- (C) A loss of tow;
- (D) A fire;
- (E) Grounding;
- (F) A loss of steering; or

(G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in § 161.2 of this Chapter.

(ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section.

(iii) The cognizant Captain of the Port (COTP), upon written application, may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for—

(A) Any tank barge with a capacity of less than 25,000 barrels, operating in an area with limited depth or width such as a creek or small river; or

(B) Any tank barge operating on any waters within the COTP Zone, if the operator demonstrates to the satisfaction of the COTP that the barge employs an equivalent level of safety to that provided by the positive control provisions of this section. Each request for an exemption under this paragraph must be submitted in writing to the cognizant COTP no later than 7 days before the intended transit.

(iv) The operator of a towing vessel engaged in towing any tank barge must immediately call for an escort or assist tug to render assistance in the event of any of the occurrences identified in paragraph (d)(1)(i) of this section.

(2) *Enhanced communications.* Each vessel engaged in towing a tank barge